ITEM: 20

SUBJECT: Proposed Amendment to the Sacramento River and San Joaquin River Water Quality Control Plan for the Control of Salt and Boron Discharges into the San Joaquin River-- *A Continuation of the Dec 2003 Workshop*

BOARD ACTION: Discussion and direction for staff

BACKGROUND: This workshop and attached staff report are a follow-up to the public workshop held at the December 2003 Regional Board meeting. The purpose of the workshop is to solicit additional comment and direction from interested parties and the Board. The attached staff report summarizes and responds to the key issues raised by interested parties.

As proposed, the amendment to the Sacramento River and San Joaquin River Water Quality Control Plan (Basin Plan) will establish a control program for point and nonpoint source discharges of salt and boron to the Lower San Joaquin River (LSJR) from the Mendota Dam to the Airport Way Bridge near Vernalis (Vernalis). The proposed control program is intended to implement the first phase of a Total Maximum Daily Load (TMDL) and bring the LSJR near Vernalis into compliance with the existing salt and boron water quality objectives. No new water quality objectives are proposed in this phase of the TMDL or as part of this amendment. The full draft of the staff report and all supporting appendices are available at:

http://www.swrcb.ca.gov/rwqcb5/programs/tmdl/Salt_Boron.htm

The draft Basin Plan Amendment has the following elements:

- Total Maximum Daily Load, including
  - load allocations for nonpoint sources
  - waste load allocations for point sources
- proposed program of implementation
- compliance time schedule to meet water quality objectives and allocations
- estimates of costs to comply with water quality objectives and allocations

Staff is in the process of revising the draft Basin Plan Amendment based on peer review comments and comments made by interested parties and Board members at the December 2003 workshop. A revised draft will be completed that considers these and all written comments received by 20 January 2004. Based on comments received to date, staff does not anticipate major revisions to the current draft except with regard to clarification of the phased nature of the TMDL. A timeline will be provided to conduct subsequent TMDL and implementation phases including: establishment of new water quality objectives and a groundwater control program

This workshop gives participants another opportunity to provide the Regional Board and staff with their views on the proposed Basin Plan Amendment and staff report. A separate hearing will be held, after this workshop, to consider adoption of a proposed amendment to the Basin Plan.

ISSUES: A number of issues were raised before and during the public workshop held at the December 2003 Board meeting. A staff report, included with this agenda package, was prepared todiscuss these issues:

1. TMDL should propose water quality objectives upstream of Vernalis
2. Use of New Melones Reservoir for dilution is unreasonable use of water
3. TMDL fails to consider flow
4. TMDL should consider groundwater control
5. TMDL should use concentration-based approach
6. Technical basis is not sound (source analysis, models, etc.)
7. Proposed implementation lack specificity
8. Options identified for implementing USBR's load allocations are inappropriate
9. Timeline for Implemenation is unreasonable
10. Timely Completion of TMDLs

At this time, staff is looking for direction from interested parties and the Board on the following issues:

- Staff is proposing a phased TMDL; the initial phase is designed to implement existing water quality objectives at Vernalis. The TMDL and salinity control program will be updated to implement new salinity water quality objectives as they are developed upstream of Vernalis. Is this a reasonable approach? Should consideration of adoption of this TMDL be delayed until salinity water quality objectives can be concurrently proposed for the LSJR upstream of Vernalis?
- Staff is proposing a salinity control program that considers the existing hydrologic conditions of the LSJR and focuses on load reductions and mitigation for loads. The proposal does not assign responsibility to entities responsible for reduced SJR flows. Based on comments from interested parties, staff proposes to add a new policy statement to the Basin Plan that requests the State Board to continue to use its water rights authority to prohibit water transfers if they contribute to water quality impairments and to continue to condition water rights on the attainment of salinity water quality objectives when these objectives cannot be met through drainage controls alone. Is this a reasonable approach for addressing flow concerns?
- Staff is proposing a TMDL that focuses on controllable surface water discharges. The TMDL has been developed to promote some improvement in groundwater salinity conditions but many

sources of groundwater salinity impairment will not be addressed in this action. Based on comments from interested parties, staff intends to recommend that a comprehensive groundwater control be developed through a subsequent phase of this TMDL and a separate control program. A timeline for developing this control program will be proposed as part of this Basin Plan amendment. Is this a reasonable approach?

- Staff proposes a load-based approach to the TMDL with concentration-based elements in order to place responsibility on all dischargers in the basin. Is this a reasonable approach?
- The two peer reviewers for this TMDL have stated that the methods described in the report for deriving the TMDL appears to be reasonable and that the report adequately supports the methods used for deriving the allocations. One of the peer reviewers did, however, suggest that additional discussion be provided to support technical issues related to the water quality impacts of the consumptive use of water and the attainment of water quality objectives. These comments will be addressed in the revised staff report. Models and methods used in the staff report analyses are consistent with the approach used by the State Board to support Water Right Decision-1641. Is more scientific review of methods needed for this phase of the TMDL?
- Staff proposes an eight to 20-year time schedule for compliance with TMDL load allocations. Dischargers would, however, be regulated either by waste discharge requirements or a waiver of waste discharge requirements within three years of the effective date of the proposed control program. Applicable waste discharge requirements or a waiver of waste discharge requirements would include interim planning and implementation milestones. Are the proposed time schedules appropriate?
- Is a Management Agency Agreement an appropriate mechanism to initially implement USBR load allocations?

Mgmt. Review _____
Legal Review _____

29, 30 January 2004
Central Valley Regional Water Quality Control Board, Sacramento Office